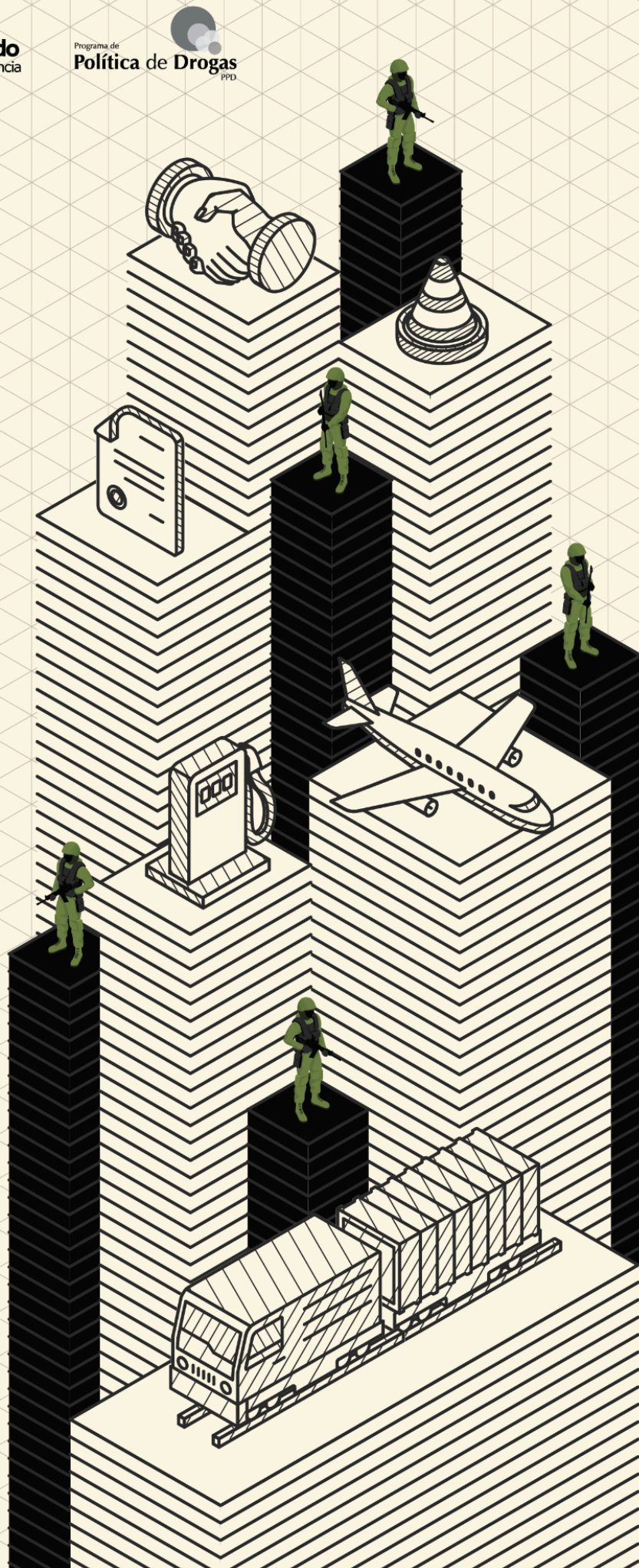


The National Inventory of Militarization

A radiography
of militarization
processes in
Mexico

EXECUTIVE SUMMARY



Executive summary

On Monday, April 29, 2024, three non-governmental organizations —the Drug Policy Programme, México Unido Contra la Delincuencia, and Intersecta— published the National Inventory of Militarization together with its Report. Both are available [here](#) in Spanish. This document is the English version of the Executive Summary of the Report.

What is the National Inventory of Militarization and how was it made?

The National Inventory of Militarization seeks to give an account of a process that is occurring in Mexico that has intensified in recent years: the transfer of functions and economic resources to the armed forces that were originally intended for civilian institutions. We call this process militarization. When we speak of a transfer of functions and economic resources to the armed forces, we want to make visible the institutions that receive these transfers —the armed forces—, the institutions that make the transfers —the civilian authorities—, as well as how these transfers occur —through various legal means—.

To develop the Inventory, we used different sources of information which, taken together, allowed us to register acts of authorities that transfer civilian functions or economic resources to the armed forces. We classified these acts of authority under two main groups —“general norms” and “individual agreements”— in an Excel document, which constitutes the National Inventory of Militarization database. The database —which is available [here](#)— can be consulted by anyone who wishes to do so.

The database includes a first group of acts of authority that we classified as “general norms”. In this group, we included legislative drafts or bills and approved reforms of three types: constitutional, legislative, and administrative, all at the federal level. This includes everything from constitutional reforms to presidential decrees and executive orders. In other words, this section provides an account of the militarization that occurs through general norms, and covers bills and reforms that were promoted or adopted between September 2006 and August 2023 (between the LX and LXV Federal Legislatures). The main sources used to construct this database were the Official Journal of the Federation (*Diario Oficial de la Federación*) and the records of the Legislative Information System.

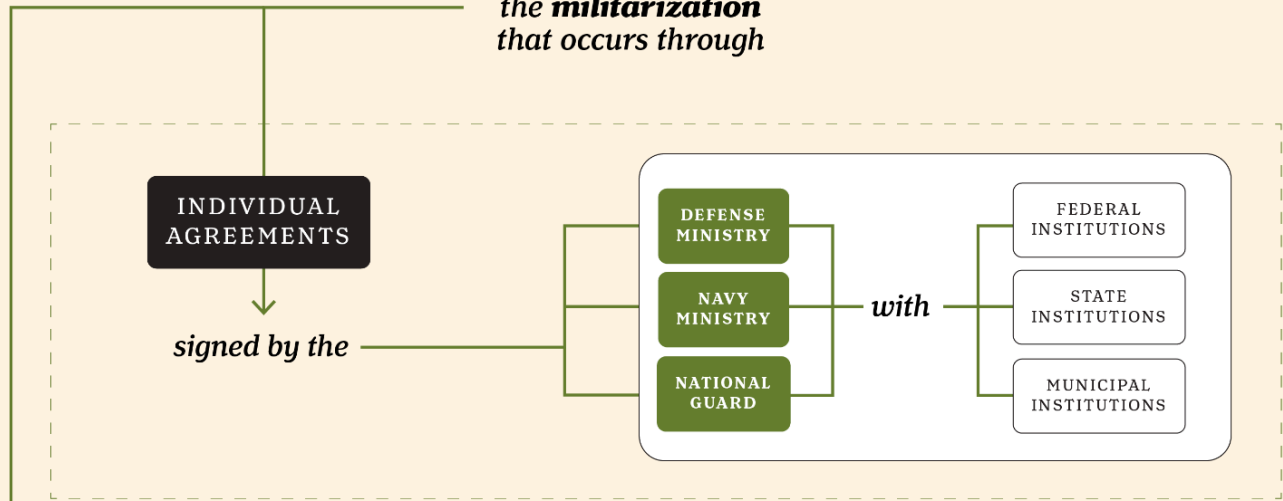
The second group of acts of authority that the Inventory includes are what we call “individual agreements”. It includes agreements and contracts that the armed forces have signed with civilian authorities of the federation, the states, and the municipalities. Unlike general norms, which are intended to apply to all persons and to the future, agreements apply between the parties that sign them and have a specific objective and duration. The Inventory covers agreements and contracts that were signed between 2007 and 2022. The main sources that were used to build this repository were requests for access to public

information and official press releases. In total, 369 requests to access public information were sent for the Inventory.

Of all the requests to access public information we sent, we only obtained some useful information in 20% of the cases. In the cases in which we did not get useful information, authorities classified the information as non-existent in 37% of cases; they declared themselves incompetent in 24% of cases; they asked for a payment in 9% of cases; they classified the information as “reserved” in 6% of cases; and they simply did not respond in 3% of the cases. It is important to take this into consideration because, by relying on the information provided by the authorities, the Inventory has biases and omissions. This also means that despite recording evidence of multiple transfers of civilian functions to military institutions, the Inventory only accounts for part of this process.

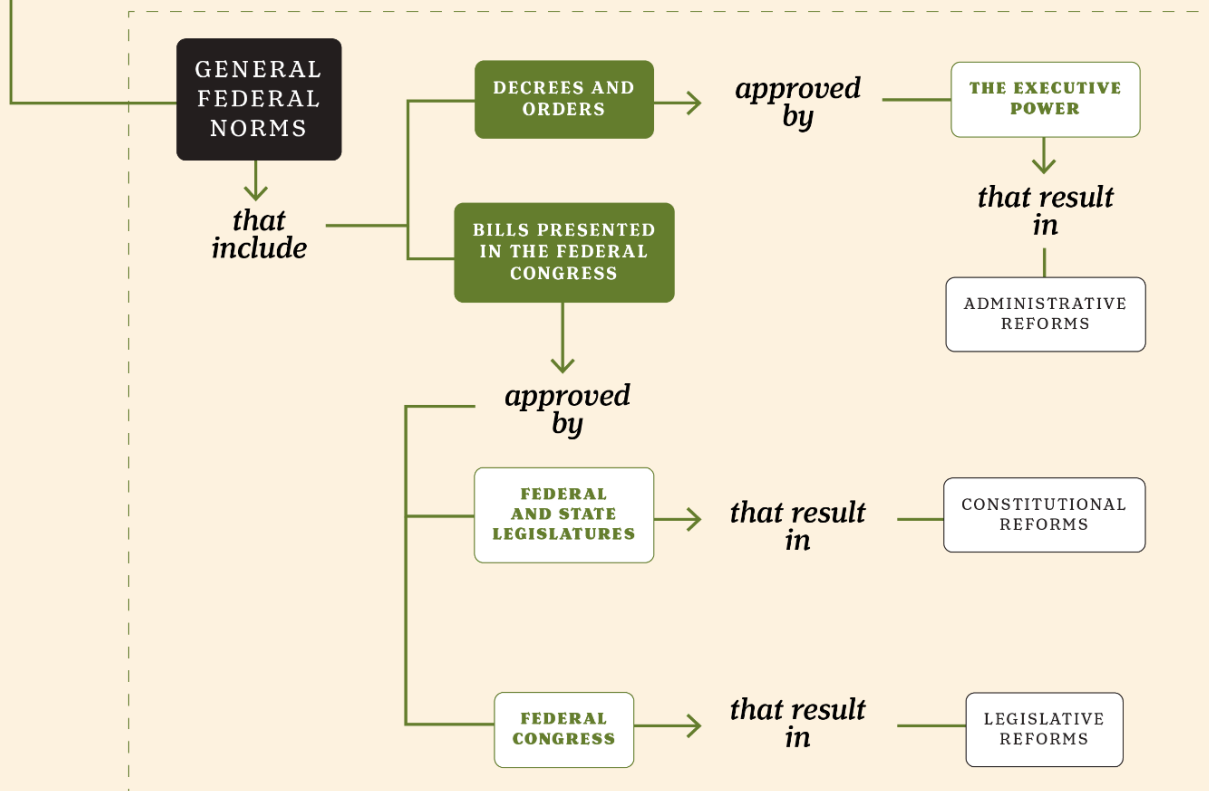
The National Inventory of Militarization

↓
REGISTERS
the **militarization**
that occurs through



Period: 2007-2022

Source: the National Transparency Platform & Infomex



Period: September 2006 - August 2023 Source: Official

Journal of the Federation, Legislative Information System

INTERSECTA

MUD México Unido
Contra la Delincuencia

Programa de
Política de Drogas

What are the Inventory's most relevant findings?

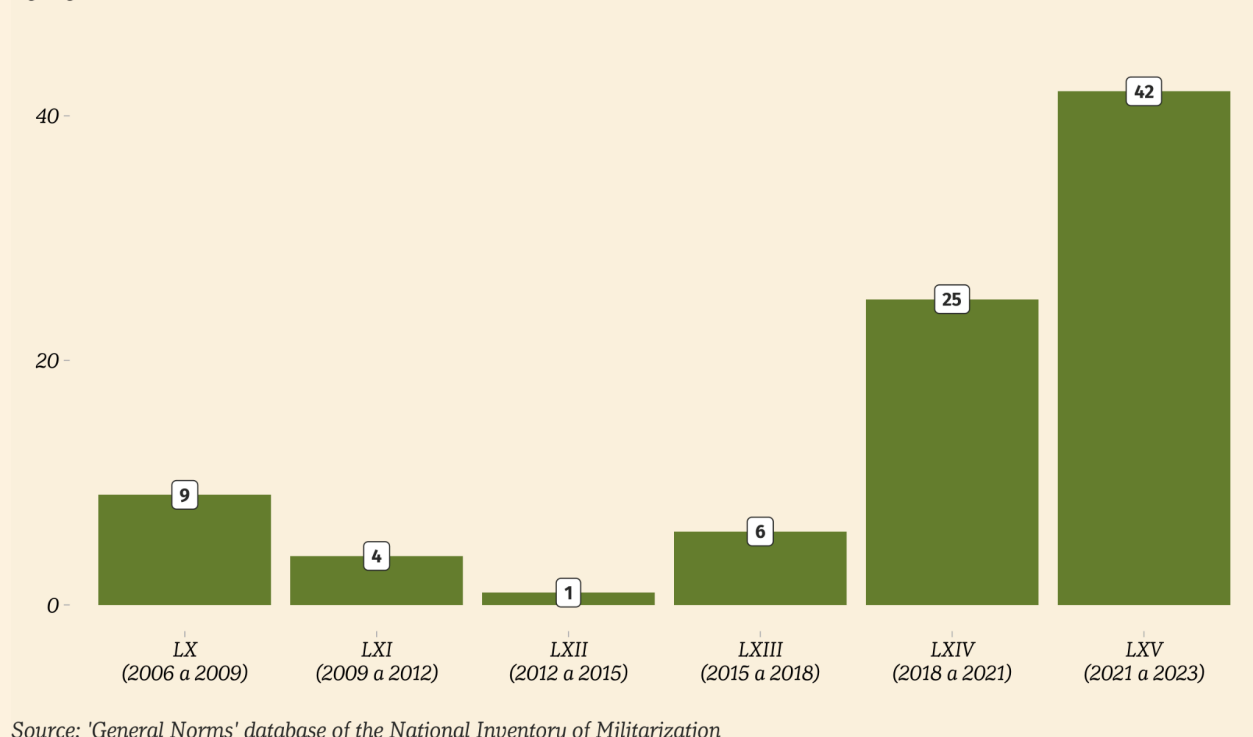
1. Militarization through general norms

The Inventory includes legislative bills and approved reforms of three types: constitutional, legislative and administrative, all of the federal order. An analysis of these instruments reveals the militarization that has occurred through general norms.

Legislative bills submitted and approved

Bills presented in the Federal Congress to transfer civil functions to the armed forces

By legislature



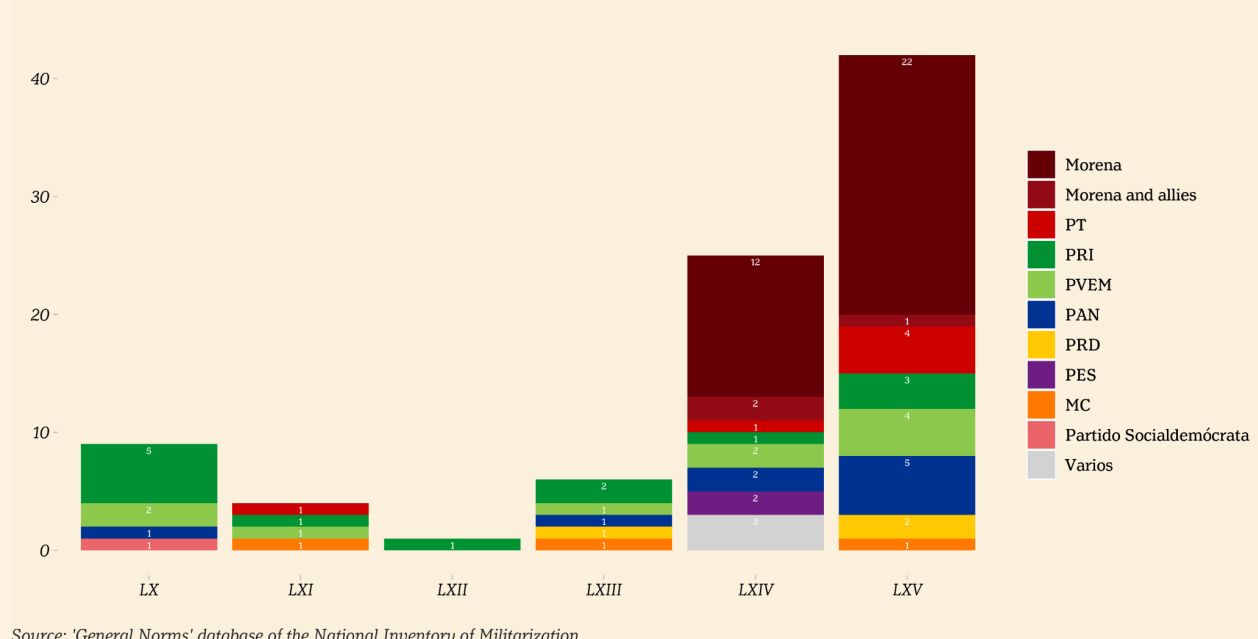
- Between September 2006 and August 2023, 87 constitutional and legislative reform bills were submitted to the Federal Congress to transfer civilian functions to the armed forces. Of these, 77% were filed between September 1, 2018 and August 31, 2023, that is, in the last two legislatures, with a Morena party majority.
- Of the bills introduced to the Federal Congress, 79 were to reform laws (91%), 7 of them were to reform the Constitution (8%), and one was to reform both the Constitution and other laws (1%).
 - Although there were fewer bills to reform the Constitution, the content of these bills reveals the dispute over militarization: of the eight constitutional

amendment bills submitted between 2007 and 2023, seven sought to directly redefine the role of the Army, the Air force and the Navy. Of these, six sought to allow them to carry out public security tasks, and one sought to assign them functions beyond public security.

- The fact that most of the bills were aimed at changing laws, as opposed to the Constitution, reveals how they sought to give to the armed forces more functions beyond what the Constitution allows.

Bills presented in the Federal Congress to transfer civil functions to the armed forces

By legislature and political party



- At the federal level, between 2006 and 2023 there have been fourteen political parties in Mexico. Of these, 65% (nine) presented an initiative that sought to transfer civilian functions to the armed forces.
 - Of the 87 bills presented, 34 were promoted by individuals or parliamentary groups that, at the time, belonged to parties opposed to that of the head of the Executive, which represents 39% of the total. In this sense, the relationship between opposition and militarization is more complex than might be supposed.
 - Morena is the party that has presented the most bills before Congress to increase military powers; it has presented 46% of all bills.

- Of the 87 initiatives submitted, only 16% have been approved, resulting in fourteen reforms. Most of the initiatives are awaiting legislative discussion (46 of them or 53%), have been dismissed (20 of them or 23%) or withdrawn (7 or 8%) by the person or parliamentary group that submitted them.
- Of the reforms that were approved, two were constitutional and twelve were legislative. All of them were approved after 2018, with the exception of the Internal Security Law, which was approved at the end of 2017. In other words, 92% of the reforms approved to transfer civilian functions to the armed forces took place in the Congress with a Morena majority.
 - The first constitutional reform, approved in 2019, is the one that transforms the Federal Police into the National Guard, and allows, in the transitory articles, the interference of the armed forces in its operation and integration. It is also the one that enables, in its fifth transitory article, the intervention of the armed forces in public security tasks for a period of five years, subjecting their participation to the fulfilment of different conditions (that it be extraordinary, regulated, supervised, subordinate and complementary to civilian authorities). The second constitutional reform, approved in 2022, extended the deadline contained in the fifth transitory article, so that military institutions can carry out public security tasks for nine years, instead of the five initially established. Although the work of the armed forces in public security tasks has been constitutionally legitimized, this has only been on a temporary (transitory) basis, and with strict limits and conditions.
 - The legislative reforms that were approved were all related to the expansion of the armed forces' role in public security, with one exception: the reform that transferred powers to the Ministry of the Navy that belonged to the Ministry of Communications and Transportation in relation to maritime commerce. This reform was challenged before the Supreme Court of Justice of the National and is awaiting resolution.

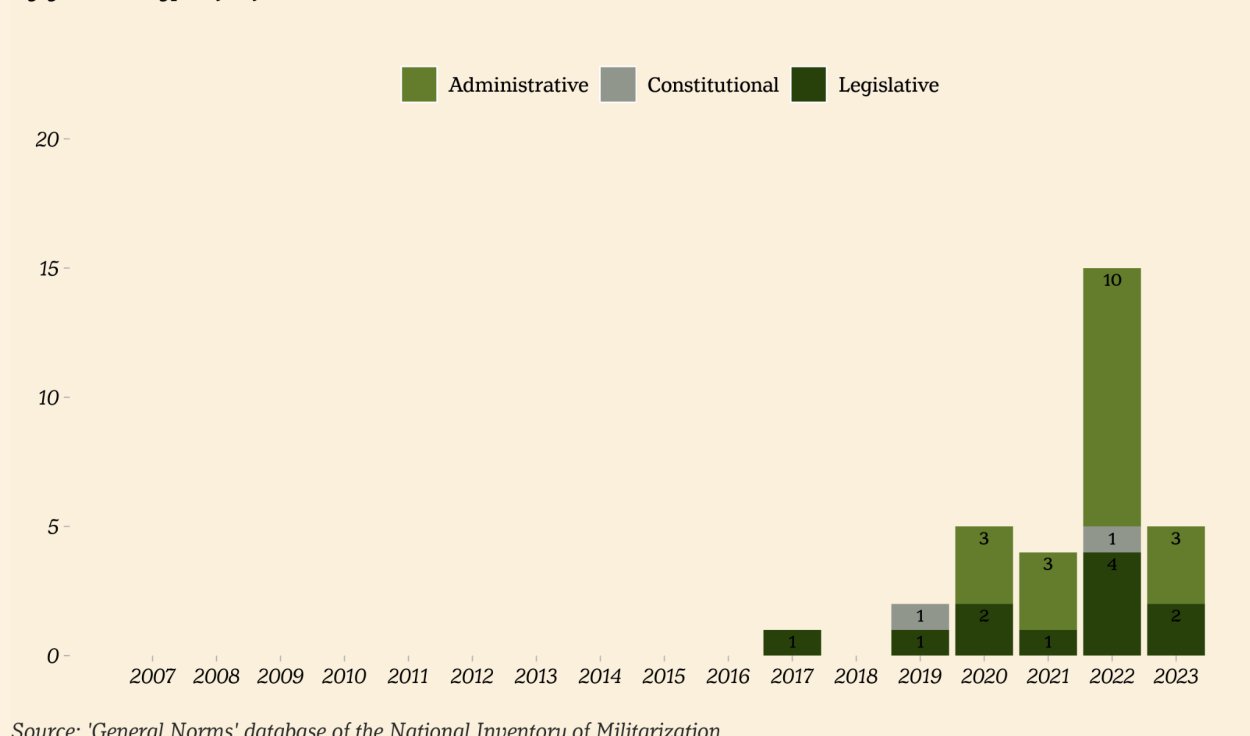
In conclusion, between September 2006 and August 2023, 65% of political parties have proposed federal legislative reforms to transfer civilian functions to the military. However, the number of bills submitted and approved increased in recent years: 77% of the bills were submitted between 2018 and 2023; and of the total number of bills that were approved, 92% were approved between 2018 and 2023. Most of the approved bills, including two constitutional reforms, deal with the involvement of the armed forces in public security tasks.

Presidential decrees and orders

Along with constitutional and legislative bills and reforms, the Inventory also includes decrees or executive orders issued by the Federal Executive that expand the powers of armed forces. We call these documents “administrative norms”. In total, the Inventory records nineteen agreements with the characteristics described above. All of these decrees have been published in the last five years, that is, in the six-year term of President López Obrador.

Reforms approved at the federal level that transfer civilian functions or economic resources to the armed forces

By year and type of reform



Source: 'General Norms' database of the National Inventory of Militarization.

The agreements and decrees can be divided into two main thematic areas:

- Two of the presidential agreements directly imply the continuity and permanence of the militarised public security strategy. The first is the decree that authorizes the armed forces to carry out public security tasks in an extraordinary, regulated, supervised, subordinate and complementary manner. The second is the presidential decree designating the National Guard —de facto, a military institution— as the authority in charge of supervising precautionary measures and conditional suspension of proceedings. Both were issued in 2020.

- The other 17 decrees and orders (89%) issued by the Federal Executive that are included in the Inventory are not related to public security, but with other types of civilian functions.
 - We found a decree, for example, that grants the use of the Islas Mariás to the Ministry of the Navy. The aim of the decree is to transform this territory into a “centre for recreation, environmental protection and culture”. As in other instances, this instrument normalises the Navy's involvement in activities that have little or nothing to do with military discipline.
 - We found thirteen decrees and orders, all issued in the last four years, which have created fifteen companies controlled by the Defense and Navy Ministries. It is through these companies that the armed forces intervene, for instance, in infrastructure projects such as the Mayan Train or the Interoceanic Corridor.
 - Finally, we found two other decrees related to these infrastructure projects: the decrees classified these projects as matters of “national security”.

Militarization through presidential decrees and orders is a novelty of the current federal administration. These decrees have not only legitimized the participation of the armed forces in public security tasks, but have also become a key instrument for operationalising their intervention in other public administration tasks, particularly in infrastructure government projects.

2. Militarization through individual agreements

The Inventory includes 258 individual agreements or contracts signed between the armed forces and civilian institutions of the three levels of government: the federal, state, and municipal level. These agreements are only binding between the parties —as opposed to general norms, which rule for all. Analysis of these instruments reveals the following:

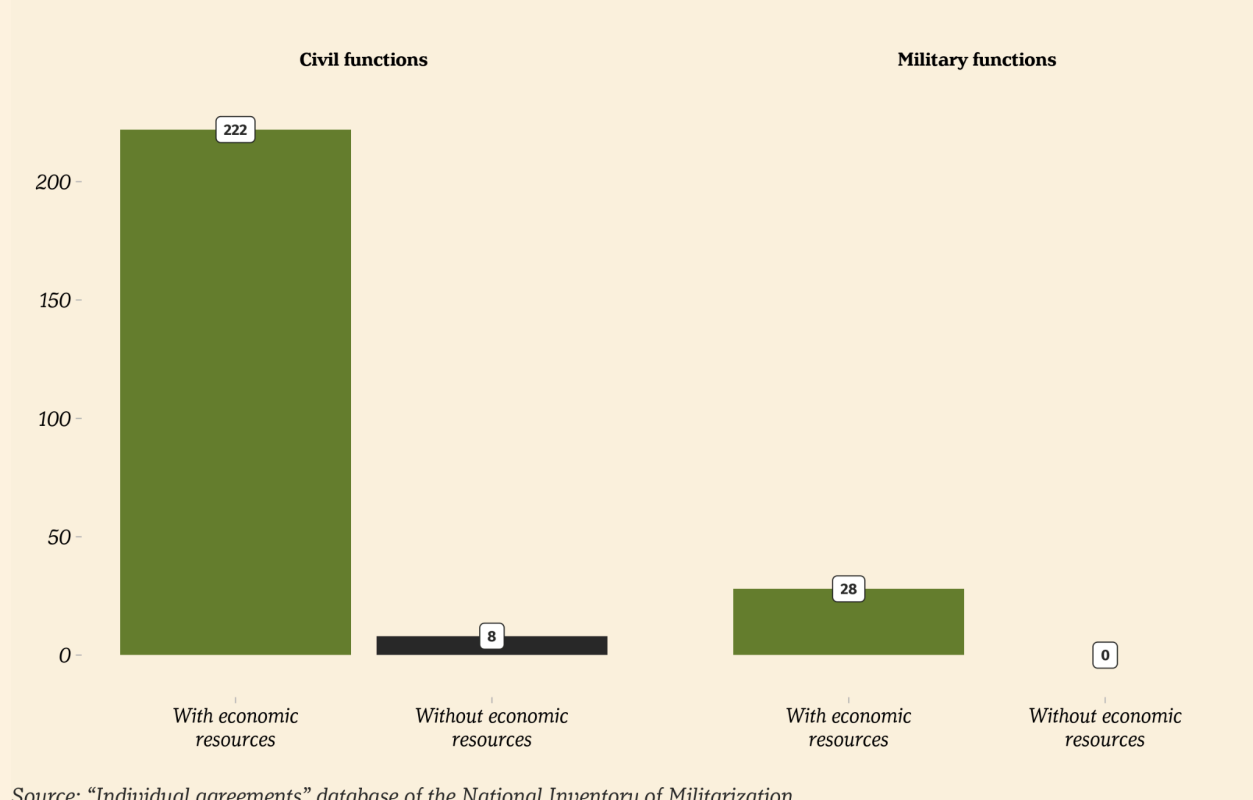
- **The Defense Ministry is the big winner.** Of the 258 agreements included in the Inventory, the Defense Ministry receives the transfer of economic resources or civilian functions in 207 of them. That is, out of every ten agreements registered in the Inventory, in eight of them the Defense Ministry is the institution that benefits from the transfer. The Navy Ministry, on the other hand, received 43 transfers, while the National Guard received only two. In addition, six agreements were recorded in which both the Defense and the Navy Ministries received the transfer.
- **Not only are civilian functions transferred to them, but in some cases, they are also given economic resources to carry out their own functions!** Of the 258 agreements included in the Inventory, 230 (89%) authorised the transfer of a civilian

function to military institutions, while in 28 (11%), the subject of the contract was related to a military function.

- In 28 agreements, the armed forces received economic resources to carry out their own functions. Of these agreements, the one with the largest stipulated sum in the Inventory is the one signed between the Defense Ministry and the government of Sinaloa. In it, the Defense Ministry receives \$739 million pesos to build a battalion and a military housing unit in the state of Sinaloa (in 2023 Mexican pesos, this amounts to \$973 million pesos or US\$49.55 million, when considering an exchange rate of US\$1 = MXN\$19.60).
- Of the 230 agreements that transferred civilian functions to military institutions, in the overwhelming majority of cases (97%), these agreements also included the transfer of civilian economic resources. In other words, the expansion of military powers to encompass civilian functions has been accompanied by an expansion of their budget.

Agreements that transferred civil functions or economic resources to the armed forces (2007-2022)

By type of function and whether or not they included economic resources



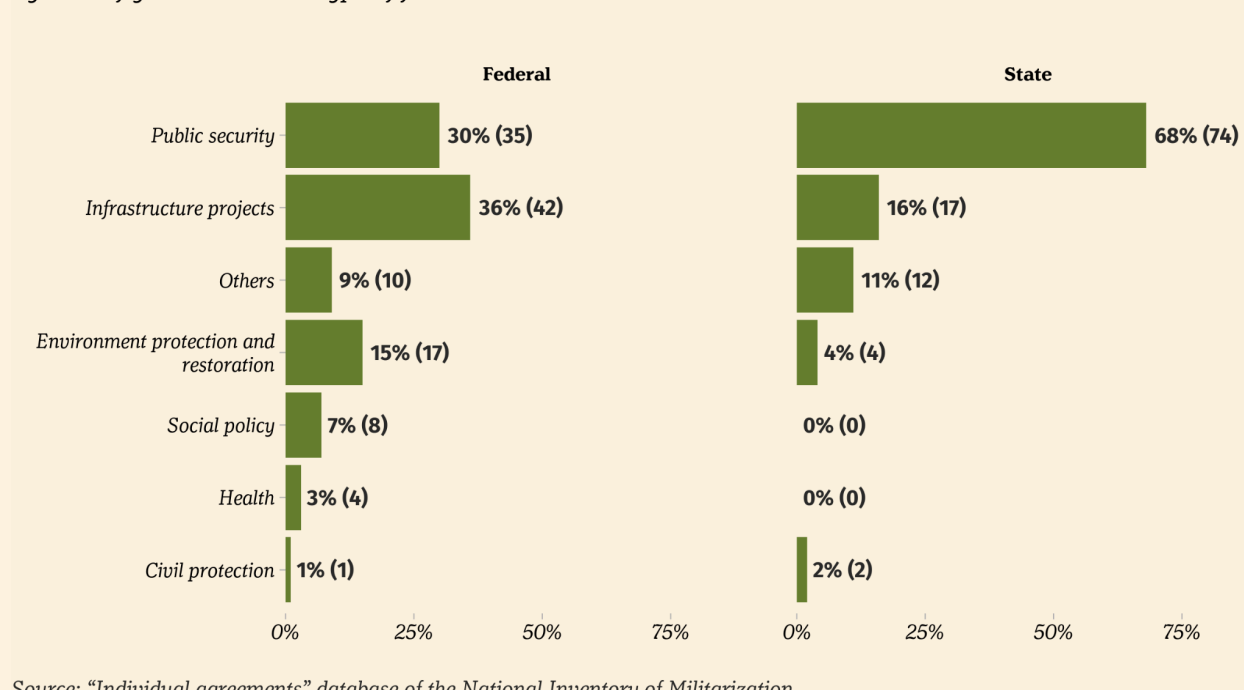
- Of the 250 agreements in which civilian economic resources were transferred to the armed forces:
 - In only half of these legal agreements was it possible to determine how much civilian money was transferred to the armed forces.
 - In the cases in which we could determine the money transferred to the armed forces, the money amounts to more than \$36,000 million pesos in transfers made between 2007 and 2022 to military institutions (converted to 2023 mexican pesos, it is approximately US\$1.8 billion).
 - Of these agreements, the one that includes the highest amount transferred to the Defense Ministry was signed with the Ministry of the Environment and National Resources (Semarnat) and the government of the state of Nuevo León. It was signed in 2021, for \$10,444 million pesos (\$11,462 million pesos in 2023 pesos or US\$583 million). Of this amount, the Ministry of the Environment was responsible for \$4,743 million pesos and the government of Nuevo León was responsible for \$5,700 million pesos. This contract is for the Sedena to build an aqueduct to supply drinking water in the state. It is the agreement with the most resources at both the federal and state level that we have found.
- **Both the federation and the states contribute to militarization.** Of the agreements signed by the armed forces, 48.5% are with federal institutions, while 49.6% are with state authorities. A minority –1.9%– are with municipalities.
 - The Ministry of the Environment and Natural Resources (Semarnat), Pemex (the state-owned Mexican Petroleum company), and the Tax Administration Service (SAT, for its initials in Spanish) are the federal institutions with which the armed forces have signed the most agreements.
 - At the state level, Nuevo León, Tamaulipas, and Mexico City are the states with which the armed forces have signed the most agreements.
- **Militarization is no longer related only to public security, but also to public administration more broadly.** The Inventory shows that, regardless of the level of government, militarization through agreements does not only –and not primarily– occur in the field of public security, but also in other public administration functions.
 - 49% of the agreements transferring civilian functions deal with public security, but 51% deal with functions that go beyond this and are related to

infrastructure projects, civil protection, environmental protection, social policy, and health.

- There are important differences, however, between the federation and the states. At a federal level, the Inventory shows that almost eight out of ten agreements are not related to public security. At this government level, the most frequent type of transfer is with regards to infrastructure projects (36% of the agreements transfer functions in this area). In contrast, at the state level, most of these agreements do transfer public security functions to military institutions –68%–.

Agreements that transferred civil functions to the armed forces (2007-2022)

By level of government and type of function

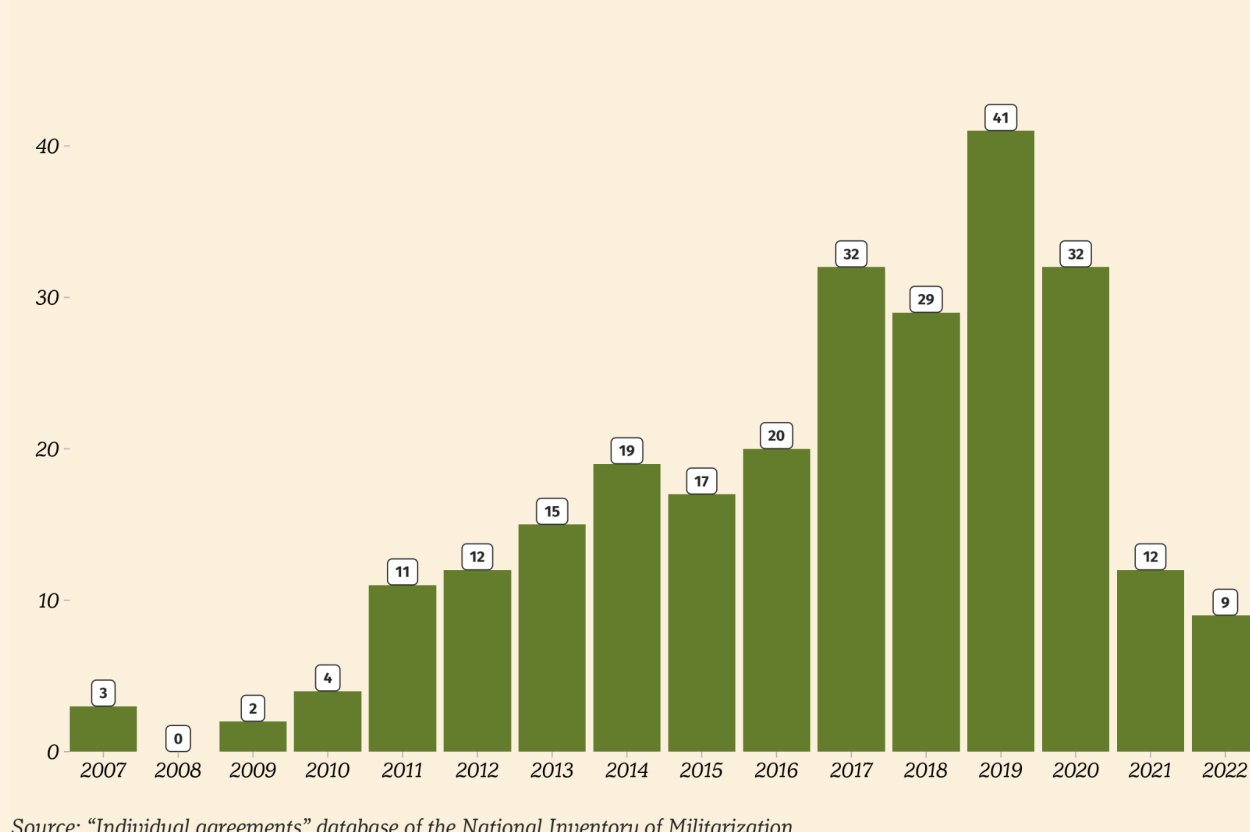


Source: "Individual agreements" database of the National Inventory of Militarization

- **The number of agreements has increased in time, reaching its peak during this sexennium.**
 - The Inventory shows a steady increase in the number of agreements signed after 2010. This increase peaked in 2019, a year in which 41 agreements were signed.

Agreements that transferred civil functions or budget to the armed forces

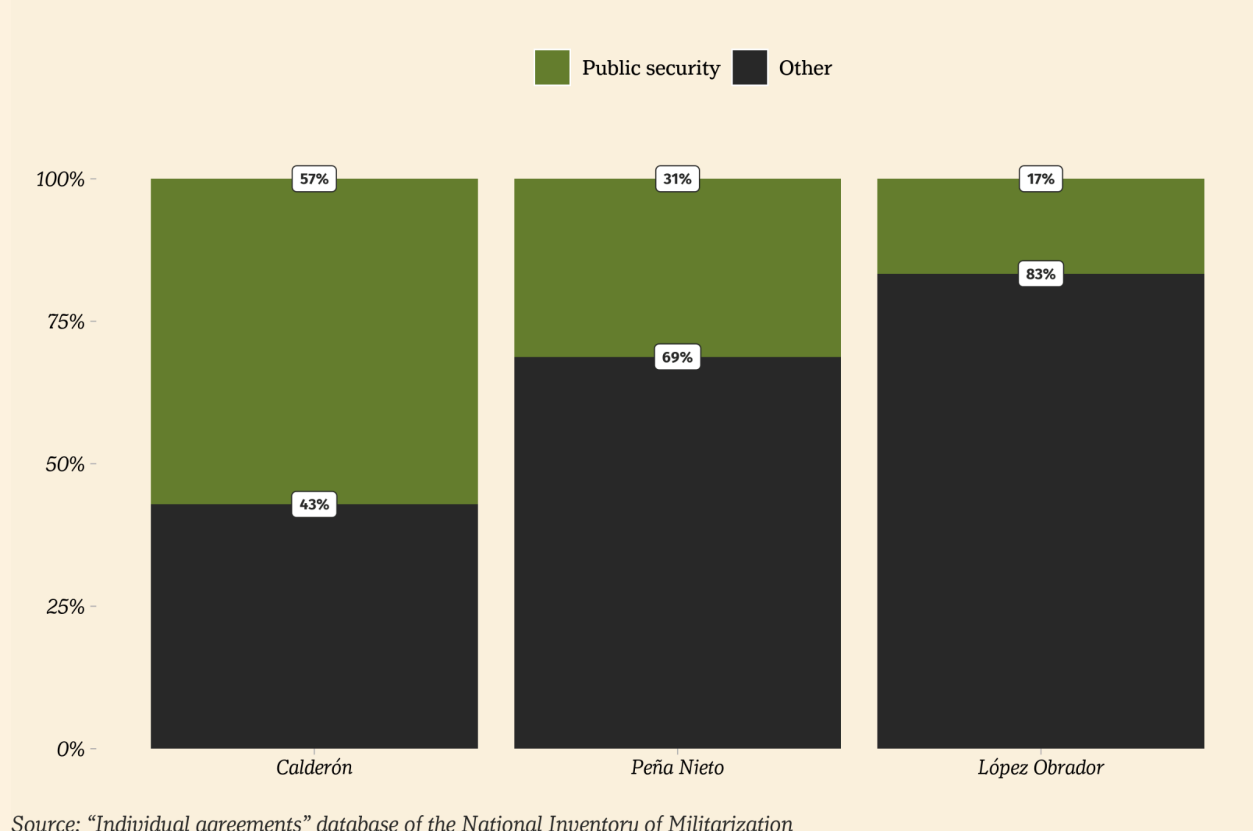
By year



- At the federal level, the years with the highest transfers were 2019 and 2020. If we only analyse the agreements signed between federal institutions and the armed forces, in the six-year term of Calderón, 21 were signed; in the Peña Nieto administration 54 were signed; while in only four years of López Obrador's six-year term, 51 were signed. As with the legislative bills and reforms, in the current López Obrador administration there is also an upward trend in terms of the number of agreements signed with the armed forces.
- The contrast between the six-year periods is not only in terms of the total number of agreements and accords, but also in terms of the type of function transferred: those agreements that transfer functions that are not related to public security are on the rise. In the administration of Felipe Calderón (2006-2012), 43% of federal agreements transferred a civilian function that was not related to public security to the armed forces; the percentage rose to 69% under Enrique Peña Nieto (2012-2018), and, in the four years of López Obrador, it rose to 83%.

Federal government agreements that transferred civil functions to the armed forces

By sexennium, depending on whether the civil function is related or not to public security



- The legal agreements have problems of form and substance.
 - The Inventory reveals that the agreements do not always contain the amount of economic resources transferred to military institutions. They also have deficiencies in terms of their temporary duration, which is not always clear.
 - Legal agreements often show poor legal justification.
 - They usually make generic references to different articles of law, without further explanation of why they are applicable to the specific case.
 - They refer more to laws as their basis than to the Constitution. The two laws to which they most frequently refer to justify themselves are the Organic Law of the Federal Administration and the organic laws of the Army, the Air Force and the Navy, particularly the articles that establish the general powers or missions of the armed forces.
 - Legal agreements, being basically contracts between parties:
 - Are signed off the radar of public discussion. In their role as private actors, authorities involved determine the functions, amounts and conditions of transfers.

- These agreements are mechanisms that facilitate opacity and make accountability difficult. In order to know a large part of the transfers to military institutions carried out through these mechanisms, it is necessary to make requests of access to public information to the authorities that were part of the legal agreement. This, as the Inventory reveals, rarely results in effective access to information.

Why is the militarization documented by the Inventory problematic?

The Inventory Report not only demonstrates that a significant transfer of civilian functions and economic resources to the armed forces is taking place. It also provides reasons why this process is worrying. The Report makes four distinct arguments, which are interrelated.

The first argument as to why militarization is problematic is its conflict with the Constitution. The ongoing transfer of civilian functions and economic resources to the armed forces exceeds the parameters outlined in the Constitution. Although a constitutional amendment was adopted during López Obrador's administration that legitimized the armed forces' participation in public security, the Report argues that this reform does not provide constitutional grounding for the transfer of power documented in the Inventory. First: the Constitution does not allow, in any case, the transfer civilian functions to the armed forces that are unrelated to public security. Second: although the amendment allowed the participation of the armed forces in public security, it set important time limits and stringent conditions for its participation. Given these requirements and based on the evidence provided by the Inventory, the Report argues that these limits and conditions are not being adhered to. Consequently, despite the constitutional changes made during this administration, the current state of militarization in the country lacks a legitimate constitutional basis. It's important to clarify that this argument does not advocate for a constitutional reform to legitimise the current state of militarization. Rather, it calls for a reversal of the current trend to restore constitutional normality.

The second argument for why militarization is problematic has to do with the institutional design of the armed forces. Regardless of what the functions of the armed forces should be, it is important to consider that, today, the armed forces are not like any other civilian institution. The armed forces are institutions designed for war, so they have a differentiated legal regime. This regime has not changed despite the fact that the functions they perform are increasingly moving away from war-related functions. In this sense, giving them more functions means that more functions of the State are subject to this special regime. More specifically: the more functions we give the armed forces, the more functions are exempted from the regime of rights, justice, transparency, accountability, and democracy.

The third reason why militarization is problematic is related to what the evidence from Mexico shows: the armed forces' performance is not superior to other civilian institutions and may even pose greater risks. Particularly, evidence over the years shows that in public security tasks the armed forces have not only failed to contain violence, but have contributed to exacerbating it, both directly and indirectly. In relation to the public administration functions they now perform, the evidence that is beginning to accumulate –given the novelty of many of the functions– shows that the use of the armed forces in public administration carries significant risks in terms of corruption and human rights abuses, particularly labour rights.

The fourth argument comes from comparative evidence from other countries where similar militarization processes have occurred. This evidence shows that there is a significant negative relationship between democracy and militarization, which has accumulated over time and invariably leads in the same direction: militarization is an obstacle to democratic development and the protection of human rights.